



**Memorandum of Cooperation Concerning  
Prevention of Major Chemical Accidents Between  
The United States Chemical Safety and Hazard Investigation Board  
And  
The Korea Occupational Safety and Health Agency,  
Republic of Korea**

**I. Purpose and Scope:**

The purpose of this Memorandum of Cooperation (MOC) between the United States Chemical Safety and Hazard Investigation Board (hereinafter referred to as “CSB”) and the Korea Occupational Safety and Health Agency, Republic of Korea (hereinafter referred to as “KOSHA”), is to set forth the principles of the working relationship between the two agencies in the area of accidental chemical releases, including investigations into root and contributing causes, prevention and research.

**II. CSB:**

The CSB is an independent agency of the United States authorized to investigate chemical accidents to determine the conditions and circumstances surrounding the release, to identify the root and contributing causes, and to report to Congress and the public on its findings so that similar accidents might be prevented. The CSB is modeled on the structure, activities, and authorities of the National Transportation Safety Board (NTSB) that investigates transportation-related accidents. The CSB investigates accidents at fixed facilities that result from the production, processing, handling, or storage of chemical substances (not limited to extremely hazardous substances) causing death, serious injury, substantial property damage (including damage to natural resources), or evacuations of the public.

In addition, the Board is authorized to conduct research and studies with respect to accidental releases, whether or not an accidental release has occurred, where there is evidence that indicates the presence of a potential hazard or hazards.

In authorizing the CSB to investigate chemical accidents within the United States, Congress also encouraged the Board to participate in the investigation of accidents that occur at facilities located in other nations both to contribute its own expertise to a determination of the root and contributing causes and also to gain insight and experience

which may be useful in preventing accidents or minimizing their consequences with respect to events or facilities of a similar type located in the United States.

### **III. KOSHA:**

KOSHA was established on December 9, 1987, for the purpose of promoting worker safety and health and encouraging employers to carry out accident prevention activities that contribute to the economic development including technical support for the industrial accidents investigations, the dissemination of accident prevention technologies, guidance and education of industrial safety and health technologies, and the testing and inspection of facilities for harmful and hazardous materials.

### **IV. Principles of Coordination:**

Both the CSB and KOSHA recognize that each agency possesses unique statutory and regulatory responsibilities and authorities within their respective countries and that nothing in this MOC acts to alter or commit either agency to perform a certain task or tasks. Within these statutory parameters and limitations, however, both agencies realize that the goal of accident prevention and greater chemical safety in the handling, processing, or storage of chemicals can be advanced through a closer working relationship between the two agencies. To this end, both agencies have decided that:

- A. KOSHA may translate CSB accident investigation reports or web site information into Korean and distribute them to KOSHA members free of charge in the interest of promoting safety information and to prevent reoccurrence of the same or similar accidents. KOSHA intends to provide proper identification and attribution to the CSB for all material used from the CSB web site. Similarly, the CSB may request KOSHA to provide reports of major chemical accident investigations for CSB review and use in its incident database. When KOSHA intends to prepare English translation of full report, method of preparation, contents of report and duration, etc., should be discussed with the CSB for each accident case.
- B. KOSHA may request technical assistance from the CSB in investigating major chemical accidents that occur in the Republic of Korea. If the CSB is able to respond positively, the details of the assistance and the form that the assistance would take should be worked out on a case-by-case basis by the heads of each agency, or their designee, through adoption and signature of a separate agreement regarding a specific situation or incident. Expenses (not including salary) for any such assistance should be paid by KOSHA. KOSHA intends to designate a liaison officer for the CSB expert. In turn, the CSB plans to abide by the legal and regulatory restrictions imposed by the Republic of Korea for the conduct of investigations, the dissemination of information and the protection of confidential business information and trade secrets details of which should be more specifically set forth in the separate agreement.
- C. KOSHA may also dispatch a technical expert at its expense to the CSB under the visiting scientist program, after discussions with the Chairman of the CSB. Such cooperation would allow the KOSHA employee to acquire advanced accident

investigation expertise through participation in an on-going CSB accident investigation or study. KOSHA expects to abide by all applicable legal and regulatory restrictions that apply to on-site access which are either applicable to CSB staff or that the CSB may impose because of the specific circumstances involved. KOSHA further recognizes that on-site access within the United States, as well as access to certain investigatory records, may be allowed only after certain parties to the investigation give their voluntary consent to KOSHA involvement. In turn, KOSHA intends to abide by the legal and regulatory restrictions imposed by the United States of America through any of its federal agencies or separately by the CSB for the conduct of investigations, the dissemination of information and the protection of confidential business information and trade secrets. Such provisions and restrictions are to be more specifically set forth in a separate agreement.

#### **Part V. Public Release of Information:**

The CSB will be responsible for the public release of factual information resulting from all CSB investigations. If KOSHA is participating in the investigation with the CSB, as outlined in Part IV of this Memorandum of Cooperation, KOSHA consents not to release any public statements in the United States or Korea unless such press release has been approved by the CSB. Similarly, if the CSB is participating in an accident investigation in Korea, the CSB should discuss any media coverage with KOSHA before releasing any public statements regarding its participation or investigation of the incident.

#### **Part VI. Liaison Officers:**

Both KOSHA and CSB plan to designate through separate correspondence a liaison officer for successful coordination and implementation of this Memorandum of Cooperation.

#### **Part VII. Period of Performance:**

Activities under this Memorandum of Cooperation commence upon signature of both parties and continue for three (3) years. The Memorandum may be extended for another three (3) year term by written decision of the CSB and KOSHA three months prior to the expiration of this Memorandum of Cooperation. Either participant may terminate this Memorandum of Cooperation by giving written notice. This Memorandum of Cooperation does not preclude either Agency from entering into further agreements setting forth procedures for additional programs, which can be addressed more efficiently and expeditiously by special agreement.

#### **Part VIII. Implementation:**

Nothing in this Memorandum of Cooperation is intended to diminish or otherwise affect the authority of either agency to implement or carry out its respective statutory functions,

nor is it intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States or the Republic of Korea, their respective agencies, officers, or any other person.

For the United States Chemical  
Safety and Hazard Investigation  
Board:

/s/ Carolyn W. Merritt  
October 20, 2003

For the Korea Occupational  
Safety and Health Agency,  
Republic of Korea:

/s/ Kim Yong-Dal  
October 20, 2003